

TRIPURA



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PART-IV-- Bills introduced in the Tripura Legislative Assembly, Report of Selection Committees presented or to be presented to that Assembly ; and Bills published before introduction in that Assembly.

**TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
AGARTALA, TRIPURA, PIN - 799010
[Fax : (0381) 241 4095 / 9654]**

No. F. 7(12-21)-LA/2020./3697

Dated, Agartala, the 22nd September, 2020.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Industrial Disputes (Tripura Second Amendment) Bill, 2020 (The Tripura Bill No. 18 of 2020)**” as introduced in the Assembly on the **21st September, 2020** to be published in the Tripura Gazette.”


(B.P. Karmakar)
Secretary
Tripura Legislative Assembly

The Industrial Disputes (The Tripura Second Amendment) Bill, 2020

A

Bill

further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Tripura.

WHEREAS, the Industrial Disputes Act, 1947 (herein after referred to as the Principal Act) was enacted by the Central Government and it was came into force to the whole of India on the 1st day of April, 1947;

AND WHEREAS, in the perspective of this State it is now felt expedient to make State amendments in the Central Act to facilitate infrastructural growth and development in the State;

BE, it enacted by The Tripura Legislative Assembly in the Seventy First year of the Republic of India, as follows :-

1. Short title and commencement:

- (1) This may be called the "The Industrial Disputes (Tripura Second Amendment) Bill, 2020";
- (2) It shall come into force on the date of its publication in the Tripura Gazette.

2. Amendment of Section 2A.-

In Section 2A of the 'Principal Act',-

- (i) in sub-section (3), the expression "three years", shall be substituted with the expression "one year",
- (ii) after sub-section (3), the following new sub-section shall be inserted, namely:-
- (iv) Not notwithstanding anything contained in sub-section (1), (2) and (3), no such dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute if such dispute is not raised before conciliation officer within a period of one year

from the date of such discharge, dismissal, retrenchment or termination;

Provided that an authority as may be specified by the State Government may condone the delay beyond such period of one year if the applicant workman satisfies the authority that he had sufficient cause for not raising the dispute within the period of one year.”

3. Insertion of Section 31A:-

After Section 31, a new Section 31A shall be inserted, as follows:-

31A. Compounding of offences,- (1) Any offence punishable under Sections 25Q, 25R, 25-U, 26, 27, 28, 29, 30A and Sub-Section (1) and (2) of Section 31 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may by notification in the Official Gazette, specify in this behalf for such amount as specified in the table below:-

Sl. No.	Section	Compounding amount	
1.	25Q	25 days wages last drawn by each workman	
2.	25R	60 days wages last drawn by each workman	
3.	25U	(i) By each workman Rs.150/- per day but not exceeding Rs.3,000/- in aggregate.	
		(ii) By employer Rs.300/- per day but not exceeding the amount in aggregate as shown below:	
		Number of workmen employed in the Industry	Amount not exceeding
		1 to 50	Rs.7,000/-
		51 to 100	Rs.10,000/-
		101 to 500	Rs.15,000/-
4	26	More than 500	Rs.20,000/-
		(i) In case of illegal strike, Rs.150/- per day by each workman but not exceeding Rs.300/- in aggregate.	
		(ii) (ii) In case of illegal lock-out Rs300/- per day by an employer but not exceeding the amount in aggregate as shown below	
		Number of workmen employed in the industry	Amount not exceeding
		1 to 50	Rs.7,000/-

		51 to 100	Rs.10,000/-	
		101 to 500	Rs.15,000/-	
		More than 500	Rs.20,000/-	
5	27 and 28	As per Section 26 above for illegal strike and lockout.		
6	29	Rs.200/- per day in respect of each of the workman		
7	30A	25 days wages last drawn by each workman.		
		Number of workmen employed in the Industry	For first offence	For the second offence
8	31(1)	1 to 50	Rs.10,000/-	Rs.15,000/-
		51 to 100	Rs.15,000/-	Rs.20,000/-
		101 to 500	Rs.20,000/-	Rs.25,000/-
		More than 500	Rs.30,000/-	Rs.40,000/-
9	32(2)	(i) For each workman, for the first offence Rs.1,000/- for the second offence Rs.2,000/- and for the third offence Rs.3,000/- (ii) For employer:-		
		Number of workmen employed in the Industry	For first offence	For the second offence
		1 to 50	Rs.1,500/-	Rs.3,000/-
		51 to 100	Rs.3,000/-	Rs.6,000/-
		101 to 500	Rs.4,000/-	Rs.8,000/-
		Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in the above Table.		
		Provided further that the offence committed of the same nature shall be compoundable only for the first three offences.		
		Provided also that such offences shall be compoundable only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.		
		(2) Where an offence has been compounded under Sub-Section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged."		

4. Insertion of Section 36C

After section 36B of the Principal Act, a new section 36C shall be inserted as follows-

“36C: State Government’s power to exempt: where the State Government is satisfied, in relation to any new industrial establishment or new undertaking or class of new industrial

establishments or new undertakings that, it is necessary in the public interest to do so, it may, by notification in the official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of **one thousand days** from the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be".

5. Repeal and Savings:-

- (1) The Industrial Disputes (The Tripura Second Amendment) Ordinance, 2020 (The Tripura Ordinance no.5 of 2020), which was promulgated by the Governor on 05th August, 2020, with the confirmation from the President of India is hereby repealed;
- (2) Notwithstanding such repeal, anything done, any action taken, any notification or order issued, under the Ordinance, so repealed, shall be deemed to have done or taken or issued under the corresponding provisions of the Act.

STATEMENT OF OBJECTS AND REASONS

The Industrial Disputes Act, 1947, which is a Central Act and is in force in the State of Tripura, is considered inadequate in certain matters to protect the legitimate interest of the workmen in the industrial sphere in the State.

2] It is considered expedient that the Act in its application to this date should be amended in Section 2A through insertion of Sub-section 4 and insertion of new Section 31A and 36C of the Industrial Disputes Act, 1947. In Section 2A the expression "three year" shall be substituted with the expression "one year". A new Section 31A shall be inserted to the Principal Act any offence punishable under Section 25Q, 25R, 25-U, 26, 27, 28, 29, 30A and Sub-Section(1) and (2) of Section 31 may, either before or after the institution and prosecution be compounded by such officer or authority as State Government may appoint by notification in the official Gazette and another new Section 36C shall be inserted after Section 36B, shall follow;

3] "New industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest to do so, it may, by notification in the official Gazette, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of the establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case may be" to create more activities and employment opportunities.

4] As the House of Tripura Legislative Assembly was not in session and immediate action was required to be taken, the Governor promulgated the Industrial Disputes (Tripura Second Amendment) Ordinance, 2020 with the confirmation from the President of India.

The Bill seeks to replace the said Ordinance.

(Biplab Kumar Deb)
Minister, Labour
Government of Tripura

TECHNICAL MEMORANDUM

The subject matter of Industrial Disputes (Tripura Second Amendment) Bill, 2020 (Tripura Bill No. 18 of 2020) is relatable to Entry 24 of List-II (State List) and of Entry 24 of List-III (Concurrent List) of Seventh Schedule to the Constitution of India and therefore the State Legislature is also competent to make a Law on these subjects.

2. Though the provisions of the Bill are not repugnant to the Constitution of India, but this is a Bill to amend and insert a new provision in the Act, with a view to exempt some of the provisions of the existing Central law, namely the Industrial Disputes Act, 1947, in its application to the State of Tripura. It is felt expedient to do so, since to facilitate infrastructural growth and development in the state, the procedural hurdles in the existing Central Law are required to be simplified and exempted for the new industrial set ups for the next few days.
3. The Bill seeks to replace the Industrial Disputes (Tripura Second Amendment) Ordinance, 2020, which was promulgated by the Governor, on 05th August, 2020, with the confirmation of the President of India. Since there were provisions repugnant to the said Central Law, the confirmation from the President was obtained under proviso(C) of clause (1) of Article 213 of the Constitution before promulgation of the Ordinance. So, further consideration of the President under Article 254(2) is not required for prevailing the Law.
4. This is not a Money Bill within the meaning of Article 199 (1) of the Constitution, nor there is any additional expenditure on the State consolidated fund and as such prior recommendation of the Governor under Article 207(1) or 207(3) is not required to move or consider the Bill by the House.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, there will be no additional financial involvement on the consolidated fund of the State.